

PENNSYLVANIA

TRANSPORTATION and TRIBAL CONSULTATION

NEWSLETTER



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PennDOT Hires New Archaeologist for parts of eastern and south central Pennsylvania

The Pennsylvania Department of Transportation (PennDOT) Environmental Division has hired *Steve Barry* to fill the vacancy in two Pennsylvania engineering districts. Steve will act as Cultural Resources Qualified Professional for PennDOT Districts 5-0 and 8-0. District 5-0 includes Berks, Schuylkill, Lehigh, Northampton, Carbon and Monroe counties. District 8-0 includes Dauphin, Lancaster, Lebanon, Cumberland and York counties. As Cultural Resource Professional, Mr. Barry will be involved in tribal consultation on all projects located within his districts.



Steve has received a Master's degree in anthropology from Alabama University and a Bachelor's degree in anthropology from Penn State. Originally from Blakeslee, Pennsylvania, he now lives in Allentown and will work out of the main District 5-0 office.

Spotlight :The Cultural Resources Geographical Information System (CRGIS)

The Bureau for Historic Preservation (BHP) and PennDOT plan to launch the public version of the Cultural Resources Geographic Information System (CRGIS) in the fall of 2004. CRGIS is a web-based way to view the mapped locations of both archaeological and historic sites and access the wealth of data stored in the BHP's files. It promises to be an important and useful source of data for both tribal and transportation decision makers.

The PHMC-BHP has been collecting information concerning archaeological sites and historic resources (buildings and structures) for most of a century. The CRGIS reflects the quality of the data on the original paper forms. Therefore, the quality of the data varies with the completeness and precision of the original records.

Archaeological sites are added to the Pennsylvania Archaeological Site Survey (PASS) whenever site forms are received from any source. In the past, these have included avocational recorders, academic recorders, and cultural resource management (CRM) surveys. There has been no systematic archaeological inventory of the Commonwealth. Only information that was included by the original recorders or could be determined from the illustrations could be included. Absence of data does not necessarily indicate absence of resources.

The CRGIS is an ongoing initiative, and tables and associated data will undergo staged enhancements and constant updating.

PHMC Gets a New Executive Director and SHPO

Barbara Franco has been named the new Executive Director of the Pennsylvania Historical and Museum Commission (PHMC). As Executive Director of the PHMC, Ms. Franco is also Pennsylvania's new State Historic Preservation Officer (SHPO).

Barbara Franco has been working in museums and historical organizations since 1966. She has worked as curator for a number of museums in New York State and Massachusetts, and as Assistant Director for Museums for the Minnesota Historical Society. From 1995 to 2003 she served as President and CEO of The Historical Society of Washington, D.C., where she played an active role in promoting community history and heritage tourism.

While at the Minnesota Historical Society, Ms. Franco worked closely with the Indian Advisory Committee that helped staff with exhibition and collection issues.

More information about the new Executive Director can be found at the PHMC website. (<http://www.phmc.state.pa.us/executive.asp>)

Section 106 Regulations — New Amendments

The Advisory Council on Historic Preservation (ACHP) has published new amendments to Section 106 of the National Historic Preservation Act (NHPA). The new amendments became effective August 5, 2004. Most of the new amendments focus on two distinct issues:

1. The ACHP cannot require a Federal agency to change its determinations regarding whether its undertakings affected, or adversely affected, historic properties; and
2. Section 106 does not apply to undertakings that are merely subject to state or local regulation administered pursuant to a delegation or approval by a Federal agency.

The first issue addresses the power of the ACHP over a Federal agency. The new amendments make it clear that if the ACHP and a Federal agency disagree over a "No Historic Properties Affected" or "No Adverse Effect" finding, the ACHP cannot force the Federal agency to change their findings. In other words, if a Federal agency feels a property is not eligible for the National Register of Historic Places, and therefore the property need not be protected, the ACHP cannot make the Federal agency change its finding, even if the ACHP finds the property to be eligible.

The second amendment states that projects which are 100% state-funded (a rare case in Pennsylvania), or require only state permits, are not subject to Section 106. State permits could include repairing low-volume roads, creating driveway accesses, and building small, privately-owned structures. Even if projects requiring state permits are required through delegation by a Federal agency, such as the DEP or US Army Corps of Engineers, they are not subject to Section 106.

More information on these new amendments and the entire Section 106 process can be found at the Advisory Council on Historic Preservation's (ACHP) website (www.achp.gov) and look for "Working with Section 106" on the left-hand toolbar.

PennDOT/FHWA Tribal Consultation Activities

- PennDOT and Federal Highway Administration (FHWA) Pennsylvania Division representatives will soon be coming to a town near you!

After considering the feedback from participants in the 2003 Intertribal Summit, PennDOT/FHWA have concluded that smaller, focused meetings held in at least three locations will best address the concerns raised at the Intertribal Summit.

- PennDOT staff are continuing to compile a book on Native Americans in Pennsylvania written specifically for the general public. This will be the fourth in the *Byways to the Past* series of publications that have been prepared by PennDOT cultural resources staff to educate the public about Pennsylvania's long history and the importance of preservation and education.

The book will provide short histories of each of the 15 federally-recognized tribes PennDOT consults with, as well as some overall

- The PennDOT *Tribal Consultation Handbook* is currently being circulated to transportation staff and tribal contacts for their input and approval. The handbook contains background information on each of the major participants in tribal consultation from PennDOT to the State Museum to the tribes. It also describes how tribal consultation fits into the overall PennDOT Project Development Process.

This winter, PennDOT/FHWA staff will be traveling to meet with tribes in New York, Oklahoma, and Wisconsin. Agenda items for these smaller meetings will be developed in consultation with transportation and tribal staff. The focus will likely be on explaining and strengthening PennDOT's tribal consultation procedures.

history of the region. Tribal representatives have generously provided information on their history and current situation, and later approved the compiled pages.

Important contributions to the state by Delaware, Shawnee, and Haudenosaunee (Iroquois) individuals will also be highlighted. It is hoped that the book will promote awareness of Pennsylvania's entire history to the general public.

Drafts of the *Tribal Consultation Handbook* will be available at the meetings which will be held with the tribes this winter. If anyone would like copies of the draft handbook prior to that time please contact Sara Clark at (717) 214-8713 or c-sclark@state.pa.us.



News from the PennDOT Districts

DISTRICT 3-0: PennDOT District 3-0 continues to move forward on several projects involving delegated Native American tribal consultation. The near-legendary blue and yellow forms have been flying off the District archaeologist's desk outbound for our tribal consultation partners to the north and west. Though separated from District projects by hundreds of miles and centuries of time, tribal representatives continue to commit themselves to participate in all aspects of the process including dialogue, review, and field meetings. The District and the FHWA Pennsylvania Division office recognize that the tribes are tremendously busy with internal functions and affairs, so their commitment and participation in our projects is greatly appreciated.

Consultation in District 3-0 is taking place on both small projects with minimal ground disturbances and larger projects designed to construct new highways across undisturbed portions of the landscape. The foremost tribal consultation project in the District is the notorious *Tioga County 6015 project*. The presence of an intact village with longhouses, fire pits, a palisade, keyhole/turtle structures, and human burials necessitated in-depth and ongoing dialogue amongst numerous groups with varied interests in the Native American cultural remains. Excavations at the village site have concluded.

Most folks involved in the project agree that the often heated consultation process was a success. Very serious issues such as the location of the proposed roadway, how much of the village site to excavate, and how best to deal with the Native American burials at the site were dealt with through a lengthy series of meetings which took place during archaeological excavation at the village site, at the Seneca Nation and Onondaga Nation territories in New York, and at FHWA offices in Harrisburg, Pennsylvania.

While digging at the village site is finished, the interpretation of what was found is ongoing. Continued consultation will be an essential part of this interpretation process. To gain a better understanding of what happened at the village site, specialists in various sub-fields of archaeology will sit down with Seneca tribal elders and Faith Keepers to discuss certain artifacts and features identified from the village and to discuss oral history accounts of tribal movement in the area surrounding the village.

The immense archaeological study undertaken at this village site is meaningful both to the Native Americans whose ancestors once lived there and to the current state residents. In order to highlight these investigations and the in-depth consultation processes that took place during the project, District 3-0 is currently producing a high-quality 30-minute video. We look forward to presenting this video to the public. Contact Scott Shaffer for more information at (814) 765-0456, or scoshaffer@state.pa.us.

DISTRICT 6-0: The *Sumneytown Pike/PA 309 Connector Project*, Montgomery and Bucks Counties, S.R. 1058, Section HAT is underway. A Phase I Archaeological survey undertaken for this project uncovered a National Register-eligible, Middle Woodland site in the drainage of Skippack Creek. The project involves the construction of a two-lane connector roadway between Sumneytown Pike in Montgomery County and PA Route 309 in Bucks County. Contact Cathy Spohn for more information at (610) 205-6711, or csponh@state.pa.us.



Announcements

The new draft of the **Pennsylvania Archaeology Guidelines** are out and being circulated for comments. These guidelines are a PHMC production, and are meant to act as guidance for consultants doing archaeology in Pennsylvania. Currently, these guidelines are only on the first draft, and will be revised before they are published in their final form. Comments, suggestions, and criticisms are welcome, and should be sent to the PHMC. For a copy please contact the PHMC-BHP at (717) 783-8946.

The **2004 Curation Guidelines** have been posted in their final version by the State Museum's, Section of Archaeology. This year's guidelines attempted to be more user-friendly, and we hope you find them so. These guidelines have also added sections regarding documentation, artifact processing, storage, inventory, and several other issues. They were also created by the PHMC, and can be found at the PHMC website: <http://www.phmc.state.pa.us>.

The **PennDOT Tribal Consultation website** is now up at <http://www.penndotcrm.org>. This page contains a brief description of the consultation process, helpful publications, a list of tribal websites, and miscellaneous useful links. Once again, comments, criticisms, and suggestions are welcomed. New links, information, or corrections would be particularly useful. Please address any concerns to Joe Baker at josebaker@state.pa.us.

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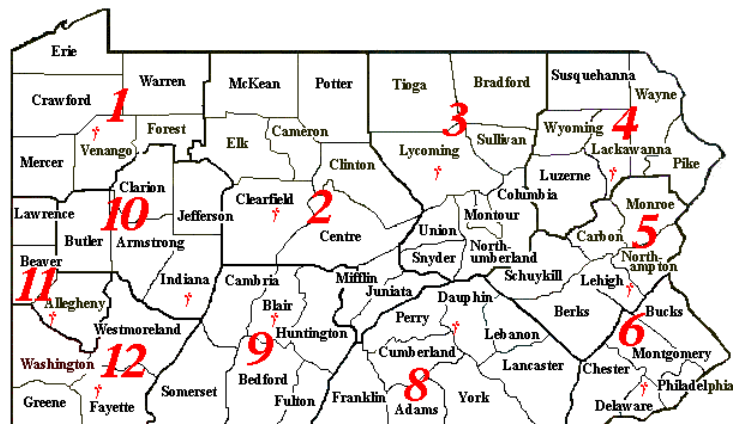
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**Please Visit us at
www.penndotcrm.org**



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